

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VANCE S. ELLIOTT,
Plaintiff,

v.

BENEFITS MANAGEMENT
CORPORATION,
Defendant.

Case No. 13-cv-04152-JST

ORDER TO SHOW CAUSE

Pursuant to this Court's September 9 initial case management order, Plaintiff was ordered to file an ADR certification and related materials no later than November 15, and to file a Rule 26(f) report no later than November 29. Order Setting Initial Case Management Conference and ADR Deadlines, ECF No. 4. On November 1, this Court adopted Judge Spero's report and recommendation and dismissed Plaintiff's complaint without prejudice. Order Adopting Magistrate Judge's Report and Recommendation, ECF No. 11. In that order, the Court ordered Plaintiff to file an amended complaint within twenty-one days.

Plaintiff has not complied with either order or filed any submission explaining his failure to comply. Accordingly, the Court hereby issues an ORDER TO SHOW CAUSE why Plaintiff's claims should not be dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The hearing on the order to show cause will be held on January 2, 2014, at 2:00 P.M. in Courtroom 9, 19th Floor, 450 Golden Gate Avenue, San Francisco, California. In lieu of appearing in person, Plaintiff may file a written statement not later than December 27, 2013, explaining why his failure to follow the Court's orders should not result in dismissal with

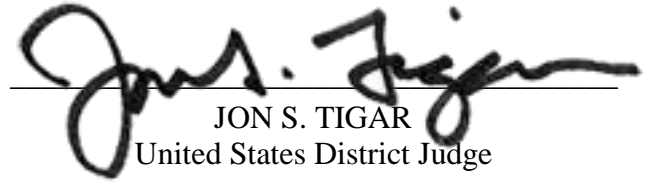
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1 prejudice. The Court will consider vacating the order to show cause if Plaintiff complies with the
2 Court's orders before the date of the hearing.

3 **IT IS SO ORDERED.**

4 Dated: December 2, 2013

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JON S. TIGAR
United States District Judge

United States District Court
Northern District of California